

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION No. 08-108
: :
v. : CIVIL ACTION No. 10-3576
: :
LAWRENCE DELUCA : :

ORDER

AND NOW, this 26th day of November, 2012, for the reasons set forth in the accompanying Memorandum, it is ORDERED:

- Defendant Lawrence DeLuca's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence (Document 35) is DENIED;
- DeLuca's Motion to Rescind Order Requiring Him to Refile His Petition Pursuant to 28 U.S.C. § 2255 on the Court's Current Standard Form of Petition (Document 34) is DENIED as moot;
- The Government's Motion to Dismiss Petition Under 28 U.S.C. § 2255 (Document 37) is DENIED as moot; and
- DeLuca having failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability shall not issue.

The Clerk of Court is DIRECTED to mark both of the above-captioned cases CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.